

1 BEFORE THE
2 POLLUTION CONTROL HEARINGS BOARD
 STATE OF WASHINGTON

3 IN THE MATTER OF)
4 WEYERHAEUSER COMPANY)
 (Longview Wood Products Division),)
 Appellant,)
 v.)
7 SOUTHWEST AIR POLLUTION)
 CONTROL AUTHORITY,)
 Respondent.)

PCHB No. 620

ORDER GRANTING APPELLANT'S
MOTION FOR SUMMARY JUDGMENT

11 Appellant's Motion for Summary Judgment came on for hearing before
12 Board member W. A. Gissberg on July 24, 1974 at Lacey, Washington.
13 Appellant appeared by and through its attorney, Stuart A. Heller;
14 respondent appeared by and through its attorney, James D. Ladley.
15 Respondent agreed with appellant that there exists no material or
16 genuine issue of fact to be decided by the Board. The only issue is
17 one of law. The parties orally stipulated that the presiding officer
18 had the authority to enter an Order disposing of the Motion without the

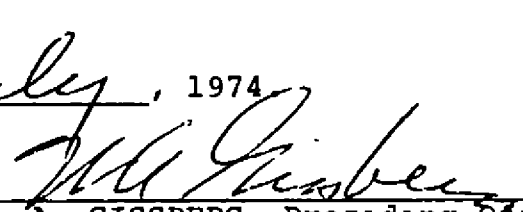
1 concurrence of the other Board members. Having considered appellant's
2 Motion, the pleadings herein and respondent's reply and Appellant's
3 Memorandum in Support of its Motion, and being fully advised, the
4 Board makes and enters the following

5 ORDER

6 1. Appellant's Motion for Summary Judgment be and the same is
7 granted. None of the statutes cited by the parties neither prohibits
8 nor requires respondent to conduct a hearing of the type requested
9 by appellant. However, Section 3.03(d) of respondent's Regulation I
10 does provide for a hearing before respondent's Board on an "Order for
11 Prevention". Were it not for the respondent's rule, such a hearing
12 would not be required.

13 2. Within sixty days from the date of this Order, respondent shall
14 conduct a hearing before its Board on its control officer's "Order for
15 Prevention".

16 DATED this 26 day of July, 1974

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19 W. A. GISSBERG, Presiding Officer
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